

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENNSYLVANIA PUBLIC SCHOOL	x	
EMPLOYEES' RETIREMENT SYSTEM,	:	
individually and on behalf of all others similarly	:	
situated,	:	
	:	
Plaintiff,	:	11 Civ. 733 (WHP)
	:	
- v -	:	(ECF)
BANK OF AMERICA CORPORATION, et al.,	:	
	:	
Defendants.	:	
	:	
	x	

**NOTICE OF DEFENDANT BRIAN T. MOYNIHAN'S
MOTION FOR PARTIAL RECONSIDERATION OF THE
COURT'S APRIL 17, 2013, MEMORANDUM AND ORDER**

PLEASE TAKE NOTICE that upon the accompanying Memorandum Of Law In Support Of Defendant Brian T. Moynihan's Motion For Partial Reconsideration Of The Court's April 17, 2013, Memorandum and Order, pursuant to Local Civil Rule 6.3, the undersigned will move this Court before the Honorable William H. Pauley III, United States District Judge, in the United States Courthouse, 500 Pearl Street, New York, New York 10007, on such a date and at such a time as the Court sets, for an order, in the above-captioned action, granting reconsideration of the Court's April 17, 2013, Memorandum and Order ("April 17 Order") (ECF No. 183), denying in part the motion of Defendant Brian T. Moynihan and others (collectively the "Executive Defendants") to dismiss Plaintiff's Amended Consolidated Class Action Complaint ("Amended Complaint").

Moynihan respectfully requests that the Court reconsider the portion of its April 17 Order which found that a May 13, 2010, letter to the Financial Crisis Inquiry Commission, previously placed into the record (ECF No. 175-1) by the Executive Defendants, was sufficient to support a strong inference of scienter as to Moynihan and to establish that he had knowledge of repurchase

claims against Bank of America sufficient to render his subsequent representations misleading, and instead enter an order dismissing the Amended Complaint's allegations as to Moynihan's alleged liability arising from knowledge of repurchase claims against Bank of America.

Dated: New York, New York
May 1, 2013

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Defendant Brian T. Moynihan's Motion for Partial Reconsideration of the Court's April 17, 2013, Memorandum and Order was filed electronically on this 1st day of May, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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